4:Grodekov--84 E-5 (ca 1885) 1889 RQ2 Kazak RQ2

The custom of hetaeristic hospitality exists in secret in the north and in Siberia, but less in the south. In one of the volumes of the Materialy dlia statistiki Turkestanskago kraia, a custom is mentioned where a guest puts his hand on the bosom of a sleeping maiden three times, and if she does not push it away, it signifies her agreement. Bii Sultan Kanaev denied such a right of the guest, adding: "This is unthinkable" (ol suz imes).

A wife and children who have not received their allotment do not have any property. If the wife lives with her husband, she takes part with him in the use of the property (malyna sirik). But she cannot manage the property under her supervision (khatyn biyleb mal beralmeydi). In the absence of the husband she manages the property. For example, on the demand of her husband's friend (tamyr), if he is dependable (isenimdi) she gives him things for his use, or gives them to him as a gift. When the husband returns he may not give his consent, and then the gift is taken back. The same thing takes place with an object sold by the wife in the husband's absence, in accordance with the opinion that "women have half a mind" (khatynnyng akyly yarymdyk) and according to the proverb: "a woman is without a mind, a frog is without a tail" (khatyn akylsiz baka kuyruksyz).

Among the Kirgiz, spouses have common property (inchiles). Wergeld for a wife is not received by her husband, but by her clan. If she /94/ was wounded by someone, the fine for the wound, if the fine was called aibom, is received by her husband. But if this fine was recorded in the decision under the name of wergeld, then it is received by the kinsmen of the wife.

The wife who goes away from her husband does not take anything wiht her (according to Abdrakhman, of the Auliye-Ata uyezd). Maykut (Auliye-Ata uyezd) transmits the information that in antiquity like the Siberian indigenous peoples according to Samokvasov, the property of the childless deceased wife, consisting of her clothing, fur coat, rug, blanket, bridal headdress and kerchief, is returned to her father or the person who married her off with this dowry.

If a wife complains of the squandering or unprofitable exploitation of property by her heedless husband the bii does not accept such a suit in his examination, but sends her to the nearest aksakals, clan chiefs and authoritative kinsmen.

A wife may trade only with the agreement of her husband. A widow (tulkhatun) is not prevented from trading.

A wife appears in court: 1) on matters of offense by the husband, etc., 2) in place of minor children, in the absence of her husband or

often more. For the mutilation of a woman, half as much wergeld is paid as for the same mutilation suffered by a man. 562 [681]

In contradiction to the report of I. I. Ibragimov in "Zamtki o Kirgizskom Sude" /Notes on Kazakh Justice/, St. Petersburg, 1878), concerning the judgment of affairs of widows of prominent Kazakhs, Torgai holds that the widows of such persons are not turned to for judgment, and that even if they asked the woman, she could not decide the affair. She can only assist in the pacification between husband and wife, saying to each: Stop, do not scold, this is shameful (koy, yaman syuileme, aib bulady). (2) According to the report

2. According to Makovetskii, I, p. 31, a village is sometimes ruled by a widow temporarily, until her sons reach majority. On the matriarchy as the oldest structure preceding the patriarchy, cf. Pervobytnoe Pravo /Primitive Law/ by Maksim Kovalevskii, Pt. I, Chapter III: The maternal clan.

of bii Sultan Kanaev, although a woman cannot be a bii, in some villages one can find women who do judge the affairs of women (khatyndy biyley tugun).

/96/ Women do not take an active part in war. If they have enough spirit (gayrati kelse), they defend their village against attacks (Abdrakhman). In one folk epic the wife, named Khanekey, accompanies her husband Zarlyk on an expedition to free the husband's sister.

The woman nurses the wounded relatives. The care of those who are not relatives is left to her good nature. [612]

E. A. Aleksandrov reports that custom in general forbids women to slaughter animals, but in extremity when the men and grown boys are absent from the village a woman can slaughter a sheep for food, carrying out all the necessary religious ceremonials. [231]

Children out of wedlock can fail to be adopted. Then they go to to seek their father. 848

The children of a girl who is not betrothed to their father also go to seek their father. A bridegroom does not consent to take a bride with strange children. He is more apt to make a raid (barymta) to kill the father of these children (Perovsk uyezd). [628]

The people do not permit unlawful cohabitation, but it does exist, and in such cases the men call the women living with them servants, as though they were working for wages. The women in 588

574 atangnyng khuny kitse de kish).

576 For insulting a guest a complaint is made on a general basis, although it is advised to argue with him, and not to offend him (azar bermek) in accordance with the proverb: "When they come into your tent, do not speak forth your claim, even though it be as big as the tent" (uinge kelgende uydey dauyng bulsa da aytpa). To call a guest or a person hiding from the pursuit of evildoers a thief or a criminal for no reason, and to take him /114/ to the authorities is not reprehensible if the guest is not a close kinsman. The right of sanctuary is known (1) to the Kazakhs and Kirgiz. A

1. Levshin states the same, Part III, p. 82.

thief and someone accused of thievery is not accepted as a guest and is handed over to the person who demands his delivery. If (according to Abdrakhman) a man who is pursued by an enemy asks protection in some tent, and his enemy enters the tent, then both are driven out and left to cut each other up in the steppe. However, this depends on the personal qualities of the master of the tent.

The responsibility of the host for anything stolen from the guest is now more in vogue than it was previously.

When a newcomer, known or unknown, stops before the setting of the sun at some tent, the master of the tent either slaughters a sheep for his regalement or makes amends to the guest with kind and welcoming words. If the guest considers the latter short shrift and he himself slaughters a sheep from the herd of the owner of the tent, the guest will be judged as in the right and the host guilty. (Report of bii Shanchi Chinybekov of the Auliye-Ata uyezd).

[422] 612 The community of property of the Kazakhs is founded on the clan principle. The closer the circle of kinship, the more the members of it use each other's property without control. Children take from their parents what they need or what is pleasing to them. Thievery in the circle of the family is only called "taking away secretly" (yasyryb algan). Nephews on the wife's side (dzhien) always steal from their uncles (taga), according to the saying. The brother-in-law (the sister's husband - yezna) and the uncle, in accordance with their powers, add (kosady) their share to the kalym. Mutual suits among matchmakers are examined by the biis very unwillingly. They are reconciled directly on the basis of kinship (biis' books of the Perovsk uyezd). Male first cousins on the father's side (nemere) support each other by livestock without incurring a debt, by the ad-

vice of the aksakals (yakhsy kšiler) (communicated by Kunakbai). 612
When the kinship is more distant, if they do not give livestock they give something cheaper or else food. /115/ An aksakal makes a collection from the people (yurtchilik) for the benefit of the poor, even against people's will. A collection is also taken from the people for influential people, to pay their private debts. (1) Poor people who

1. From the affairs of the Syr-Darya Regional Administration, it is evident that also under Russian domination, collections are made from the population for influential people, with the permission of Russian authorities. Thus, one of the uyezd chiefs presented for the approval of the military governor a judgment of the volost deputies of the Dzhulek volost for the sacrificing of one ruble from each tent to cover the debts of the volost administrator Ayake Bikdzhanov. He received an answer from the military governor that he did not consider it "suitable to approve officially a collection of one ruble from each tent on behalf the volost administrator Bikdzhanov." (Instruction of 17 March, 1876. No. 2727). In 1878 it was permitted to take a voluntary contribution from the Kazakhs of the Dzhulek volost, of an amount not exceeding seven thousand rubles for the payment of the private debts of the same Ayake Bikdzhanov, in view of his exemplary fulfillment of official duties during more than ten years and the extremely poor position of the family remaining after him. (Proposal of the military governor to the chief of the Perovsk uyezd, 21 August, 1878. No 4127).

beg support from their rich relatives and do not receive it, steal from them or borrow what they wish for a time or forever. Prizes for races are divided by the clan of the winner. The seeking of wergeld among kinsmen ends with a wergeld "of kin", i. e., a small wergeld (karyndas khun).

According to bii Sultan Kanaev of the Chimkent uyezd, assist- 612
ance is asked of relatives, under the name of nemeurin or dzhylulaye 135
kan, under the following circumstances: 1) when someone is deeply in debt; 2) when someone has been ruined because of a false suit against him; 3) when someone is required to pay a wergeld. (2)

2. He who wishes to turn to the people for general help, invites representatives of the sections of the clan to him,

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feasts them, and then makes a speech to them, in which he tells of his failures, or his straitened circumstances, ending by pointing to their ancient custom, established in times long forgotten, when people like themselves helped each other. The suppliant never fails to bring in the proverb: "If water is taken from a lake with spoons, the water does not decrease. In the same manner a community which shows help does not become poor" (kisyk tap algan minen' kul' tausyk mas bergek mek musaparge il' tausul' mas). To this they reply: "If one man spits, nothing comes of it, but if a whole cummunity spits, a lake is formed" (ber tu kurse ber bular kak tukurse kul' bular). And thus the question is resolved for help to be shown by the general people.

However, help in the payment of debts, as bii Sultan and Khalmakhammed were obliged to admit, is always shown in proportion to the influence (kadryna yarasa) of that person in the community who has become indebted. So that if an uninfluential but good man went in debt for a large sum and turned to his kinsmen, their contribution would cover only a small part of the debt.

/116/ According to Torgai, it is necessary to distinguish dzhilu and yurtchilik. Dzhilu is the forced contributions of friends, kinsmen and relatives, in case of fire, plundering of the village by enemies, the payment of wergeld and hunger. Yurtchilik is putting the debts on the people. In both the dzhilu and the yurtchilik, reciprocity is a condition of this contribution. But in the yurtchilik they are almost forced to pay, under the pretext that in the time of their fathers and grandfathers there were cases of reciprocal yurtchilik, or by threatening to cut off the hems and thus to end the mutual giving of yurtchilik (yurtchilik kylmaska itek kesti kylamyz). Incidentally the hem is not cut off. This is only a metaphor.

The poor person who asks for support says to the rich man: "Give me the grass of your livestock" (malyngnyng shubin ber magan), i. e., remunerate me for my right in common with you for that grass on which your livestock are grazing. Support, in the form of a collection from the people under the direction of an aksakal, is arranged when all the livestock of the poor man have been slaughtered. Anyone who refuses to contribute loses the right to support in his turn, when a similar disaster happens to him.

This support extends even to the service of mating bulls. If

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the owners of these animals are poor, they demand pay for the loan of the male animals saying: "Give for his strength (sidigin ber). They are given a kerchief or another article, called aktygy, i.e., "for his blamelessness" or else are lent a working animal.

At present, the yurtchilik is already going out of use, this being particularly noticeable in the southern uyezds of the Syr-Darya oblast.

A very little known custom is that of giving out all the milk or butter of a given village by turns (kezek), one day to one tent, another to another, etc. This depends on common consent and is done by good people in order to support those who have little or no livestock (Perovsk uyezd). In the Chimkent and Auliye-Ata uyezds it is said that this is a custom of poor Sarts who own one or two milk animals apiece /117/ (saun or sauaman). Among the Kazakhs and Kirgiz, kezek is for the purpose of preparing cheese (kurut and irimshik),(1), where much milk

1. Irimshik is obtained by boiling the milk a long time, with the addition of "mandil" or "zhutkunchak" (neck gristle) from a slaughtered lamb. [234]

is needed at one time. This giving out, based on reciprocity, is equivalent to a sale, satulu.

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In the Auliye-Ata uyezd, the custom is known of assistance (khashar) during construction, field work, etc. The person who is invited offers food, but it is not obligatory to appear. Among the Kirgiz there is also a custom of assistance. The help continues no longer than one day, otherwise no one will come. They do not go to poor people, who provide poor feasts.

In the Chimkent uyezd, one who has suffered rustling /baranta/ has the right to demand that his neighboring kinsmen go with him in pursuit of the rustlers. These helpers are called kumek. If a kumek is killed, the person who invited him to join the chase bears no responsibility. (Communicated by bii Sultan Kanaev).

According to Torgai, as soon as a person has work to do which is not within his power, he asks for help (kumek chakyrady, asar kylady, kubdesib kylady), for example, in rustling, in building a memorial over a grave, in field work, even in cleaning a canal if he himself is ill or advanced in years.

For rolling up felts and other woman's work the girls and women call for help (kumek), according to the communication of Aleksandrov from Kazalinsk.